THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No. 20517 of 2006

DATE: 04.12.2007

Between:

M/s. Balaji Enterprises Alias Balaji Agencies
Guntur.

… Petitioner

AND

The Joint Collector,
Employees State Insurance Corporation (ESI),
Sub-Regional Office, Vijayawada,
Krishna District & others.

… Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No. 20517 of 2006

ORDER:-

WVMP.No.220 of 2007 is filed to vacate the interim order dated 29.09.2006 granted in WPMP.No.25951 of 2006 in WP.No.20517 of 2006.

1. It is brought to the notice of this Court that the conditional order made by this Court on 04.01.2007 to deposit Rs.45,000/- had been complied with.

2. The writ petition is filed for a writ of mandamus declaring the order passed by the 4th respondent in CFR.No.2913 of 2005 in UN.No.ESI/2005, dated 07.02.2006, the notice dated 24.05.2005 issued by the 2nd respondent and the notice dated 31.05.2006 issued by the 3rd respondent, as illegal, arbitrary, void and contrary to the provisions of ESI Act and violation of principles of natural justice and consequently direct the 4th respondent to proceed with the petition filed by the petitioner Mill as per the provisions of ESI Act and decide the matter without insisting to deposit.

3. Several facts had been narrated in the affidavit filed in support of the writ petition and even in the counter-affidavit certain facts had been affirmed and certain were specifically denied.

4. It is stated that inasmuch as the main proceedings is said to be pending on the file of the 4th respondent and also in the light of the fact that the interim order made by this Court i.e., depositing of Rs.45,000/- had been complied with, let the 4th respondent decide the matter in CFR.No.2913 of 2005 in accordance with law. It is also stated that the same was not numbered for non-compliance of the deposit.

5. This Court initially made an interim order and subsequently modified the same and since it is brought to the notice of this Court that the modified order had been complied with, let the 4th respondent number the said proceedings, conduct enquiry in accordance with law and complete the enquiry as expeditiously as possible.

6. The writ petition is disposed of accordingly. No order as to costs.

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P.S. NARAYANA, J

Date: 04.12.2007
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